

HOUSE BILL 828

By DuBois

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 5, relative to child support.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 5, Part 1, is amended by
adding the following as a new section:

Section 36-5-122.

(a) As used in this section:

(1) "Sex offender" means a person who a preponderance of
evidence shows has committed a sexual offense as defined in § 40-39-
202(16) or violent sexual offense as defined in § 40-39-202(24) against
the person from whom the child support is sought, regardless of whether
the sex offender has ever been indicted or charged with a sexual offense
or violent sexual offense;

(2) "Third party" means a person or entity who is seeking child
support on behalf of a child, including the child, who was born from the
union of a sex offender and a victim;

(3) "Victim" means a person who a preponderance of evidence
shows is the victim of a sexual offense as defined in § 40-39-202(16) or
violent sexual offense as defined in § 40-39-202(24) and was committed
by the same sexual offender who now seeks child support from the victim.

(b) If the judge hearing a request concerning any matter relating to child
support determines, by a preponderance of evidence, that a sex offender or third
party is seeking or was seeking to receive, directly or indirectly, child support
from a victim, the court shall enter an order stating that the victim is not legally

responsible for child support payments to the sex offender or third party, the victim owes neither the sex offender nor the third party any child support and dismissing the child support request with prejudice.

(c) Upon entry of the final order, the court shall send or cause to be sent a copy of such order to department of human services, child support enforcement division. Such division shall destroy all records it may have relating to the victim except that it shall be noted in file that the victim is not a parent for child support purposes in regards to the sex offender and the third party.

(d) Upon motion by the victim or upon its own motion, the court shall seal the file relating to such child support request.

(e) The provisions of this section do not apply to those sex offenders that a preponderance of the evidence shows maintained a consensual sexual relationship with the victim and that the victim had reached the age of majority when this relationship commenced.

(f) The provisions of this section shall be binding to all sex offenders and third parties to whom it applies.

(g) Nothing in this section shall be construed as prohibiting a victim from seeking child support from a sex offender.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.